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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,975	01/16/2004	Patrick Will	PF030027	8338

7590 06/26/2008  
JOSEPH S. TRIPOLI, PATENT OPERATIONS  
THOMSON LICENSING INC.  
P. O. BOX 5312  
PRINCETON, NJ 08543-5312

EXAMINER

PAUL, DISLER

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

06/26/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/759,975

**Applicant(s)**

WILL ET AL.

**Examiner**

DISLER PAUL

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date 6/5/07
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,8 are rejected under 35 U.S.C. 102(b) as being anticipated by Soutar et al. (US 5,644,505).

Re claim 1, Soutar et al. disclosed of the method for testing an appliance, characterized in that an audio port of the appliance is used as an interface for testing of the appliance (fig.1; col.2 line 40-45 & 60-67) .

Re claim 8, Soutar et al. disclosed of the appliance comprising an audio port and having a test mode, which is controlled by an external control computer, characterized in that the audio port is useable for a transmission of test signals to or from the control computer (fig.1; col.2 line 40-45 & 60-67) .

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3,5,9-10,12, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soutar et al. (US 5,644,505) and Tompkins et al. (US 4,710,917 A).

Re claim 2, the method according to claim 1, characterized in that digital data for testing are serially transmitted to the appliance (fig.1). But, Soutar et al. fail to disclose of the specific wherein data are modulated onto a carrier frequency. But, Tompkins discloses of a system wherein the similar concept of having data are modulated onto a carrier frequency (fig.2; col.7 line 1-18; col.14 line 1-15) for purpose of enabling transmitting audio data to the audio port via cable. Thus, taking the combined teaching of Soutar et al. and Tompkins et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify Soutar et al. with similar concept of having data are modulated onto a carrier frequency for purpose of enabling transmitting audio data to the audio port via cable.

While, the combined teaching of Soutar et al. and Tompkins et al. as a whole, disclose of modulating data for transmission, However, they fail to disclose of the specific wherein the frequency having a frequency above 20 kHz, in particular having a carrier frequency in the frequency range of 100 kHz-20 MHz. However, official notice is taken the concept of using the specific frequency above 20 kHz, in

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particular having a carrier frequency in the frequency range of 100 kHz-20 MHz is simply the inventor's preference, thus it would have been obvious for one of the ordinary skill in the art to have modify the combined teaching of Soutar et al. and Tomkins et al. as a whole, with the specific wherein having a frequency above 20 kHz, in particular having a carrier frequency in the frequency range of 100 kHz-20 MHz for enabling serial communication with the particular device.

Re claim 3, Soutar et al. disclosed of the method according to claim 1, characterized in that stereo output ports of the appliance are used for testing, one port for a transmission of signals to the appliance, and one port for a transmission of signals from the appliance (fig.1; col.2 line 47-60), However, Soutar et al. fail to disclose of the specific wherein the signal being of digital signals, but official notice is taken such concept of having signal being digital for transmission is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art to have modify Soutar et al. with the signal transmission being digital for enabling the digital processor to analyzed the signal.

Re claim 15 has been analyzed and rejected with respect to claim 3.

Re claim 5, the method according to claim 1, characterized in that a test adapter is used for testing, which comprises a first port for a connection to an audio port of the appliance, a second port for a connection to a control computer (Soutar, fig.1), However, Soutar fail to disclose of the specific wherein an oscillator for modulating digital signals from the control computer onto a carrier frequency. But, Tompking disclose of a system wherein similar concept an oscillator for modulating digital signals from the control computer onto a carrier frequency (fig.6; col.14 line 55-65) for for purpose of enabling transmitting audio data to the audio port via cable. Thus, taking the combined teaching of Soutar et al. and Tomkins et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify Soutar et al. with similar concept of oscillator for modulating digital signals from the control computer onto a carrier frequency for purpose of enabling transmitting audio data to the audio port via cable

While, the combined teaching of Soutar et al. and Tomkins et al. as a whole, disclose of modulating data for transmission, However, they fail to disclose of the specific wherein the frequency having a frequency above 20 kHz. However, official notice is taken the concept of using the specific frequency above 20 kHz is simply the inventor's preference, thus it would have been obvious for one of the ordinary skill in the art to have modify the combined teaching of Soutar et al.

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and Tomkins et al. as a whole, with the specific wherein having a frequency above 20 kHz for enabling serial communication with the particular device.

9. Appliance according to claim 8, However, Soutar et al. fail to disclose of further characterized in that an appliance comprises an oscillator and a modulator for generating a modulated carrier signal for a transmission of digital test signals via the audio port. But, Tompkins disclose of a system wherein similar concept of appliance comprises an oscillator and a modulator for generating a modulated carrier signal for a transmission of digital test signals via the audio port (fig.1,2,6; col.14 line 60-67) for purpose of enabling transmitting audio data to the audio port via cable. Thus, taking the combined teaching of Soutar et al. and Tompkins et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify Soutar et al. with similar concept of appliance comprises an oscillator and a modulator for generating a modulated carrier signal for a transmission of digital test signals via the audio port for purpose of enabling transmitting audio data to the audio port via cable.

10. Appliance according to claim 8, But, Soutar et al. fail to disclose of the specific characterized in that the appliance comprises low-pass and high-pass filters for combining test signals and analog audio signals and/or for separating test signals and analog audio signals . But, tompkins disclose of a system wherein characterized in that the appliance comprises low-pass and high-pass filters for combining test signals and analog audio signals and/or for separating test signals and analog audio signals (fig.6; wt (94,92),; col.15 line 10-30 demodulator;) for isolating the spectral output of the modulating circuit and outputting the data to corresponding ports. Thus, taking the combined teaching of soutar et al. and Tompkins et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify Soutar et al. with the appliance comprises low-pass and high-pass filters for combining test signals and analog audio signals and/or for separating test signals and analog audio signals for isolating the spectral output of the modulating circuit and outputting the data to corresponding ports.

12. Appliance according to claim 8, characterized in that the appliance comprises two audio output ports for a stereo output signal, and that one output port is usable for a transmission of serial signals and the other output port is usable for a reception of serial signals (fig.1; col.2 line 40-52). However, Soutar et al. fail to



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disclose of the specific wherein the signal being of digital signals, but official notice is taken such concept of having signal being digital for transmission is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art to have modify Soutar et al. with the signal transmission being digital for enabling the digital processor to analyzed the signal.

Re claim 14, Soutar disclose of the method for testing an appliance comprising audio ports, comprising the steps of using at least one of said audio ports as an interface for testing of said appliance, using digital data signals for testing of said appliance and transmitting said digital data signals serially via said audio port to said appliance (fig.1; col.2 line 40-45 & 60-67) and wherein modulating the data onto a carrier frequency having a frequency above 20 kHz (see claim 2 rejection).

5. Claims 4,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soutar et al. (US 5,644,505) and Tompkins et al. (US 4,710,917 A) and Hofmann et al. (US 4,427,847).

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Re claim 4, the method according to claim 2 with serial communication and modulation, However, the combined teaching of Soutar et al. and Tomkins et al. as a whole with digital signal with the oscillating for generating carrier frequency, But. The combined teaching of Soutar et al. and Tomkins et al. as a whole, fail to disclose of the switching mode and specifically the signals are modulated onto the carrier frequency by an on/off switching mode. But, Hoffman et al. disclose of a system with frequency generating oscillator and wherein characterized the signals are modulated onto the carrier frequency by an on/off switching mode (fig.4 wt (32C); col.6 line 30-33) for selectively listening to television program mode as per operation mode. Thus, taking the combined teaching of Soutar et al. and Tomkins et al. and Hoffman et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify the combined teaching of Soutar et al. and Tomkins et al. as a whole, with the frequency generating oscillator and wherein characterized the signals are modulated onto the carrier frequency by an on/off switching mode for selectively listening to television program mode as per operation mode.

Re claim 16 has been analyzed and rejected with respect to claim 4.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soutar et al. (US 5,644,505) and Leshner et al. (US 6,931,120).

Re claim 13, Soutar et al. disclose of the appliance according to claim 8, characterized in that an audio port with a test adapter for serial communication and testing (fig.1 wt (12)). But, Soutar et al. fail to disclose of the specific wherein powering circuits of the test adapter couple to the appliance. But, Leshner et al. did disclose of a system wherein powering circuits of the test adapter couple to the appliance (fig.1 wt (4 to VCC, 1); col.4 line 52-60; col.5 line 22-30/power to interface and phone from PC via sound card) for purpose of allowing the user to use the interface via sound card for connecting an analog telephone. Thus, taking the combined teaching of Soutar et al. and Leshner et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify Soutar et al. with the specific wherein powering circuits of the test adapter couple to the appliance for purpose of allowing the user to use the interface via sound card for connecting an analog telephone.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Soutar et al. (US 5,644,505) and Anderson et al. (US 2002/0030871 A1).

Re claim 11, the appliance according to claim 8 with the test adapter and audio port, However, Soutar et al. fail to disclose of the specific characterized in that the appliance comprises a demodulator and a test adapter presence detector for detecting a test adapter being coupled to an audio port of the appliance. But, Anderson et al. disclose of a system wherein similar concept having the appliance comprises a demodulator and a test adapter presence detector for detecting a test adapter being coupled to an audio port of the appliance (fig.1 wt (24,32); par [0011-0012]/to detect audio port signal and demodulate accordingly) for enabling user to listen to audio signal privately. Thus, taking the combined teaching of Soutar et al. and Anderson et al. as a whole, it would have been obvious for one of the ordinary skill in the art to have modify Soutar et al. with the appliance comprises a demodulator and a test adapter presence detector for detecting a test adapter being coupled to an audio port of the appliance for enabling user to listen to audio signal privately.

***Allowable Subject Matter***

8. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISLER PAUL whose telephone number is (571)270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./  
Examiner, Art Unit 2615

/Vivian Chin/  
Supervisory Patent Examiner, Art Unit 2615

